



U.S. Department of Justice

*United States Attorney
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Brooklyn, New York 11201*

July 23, 2010

By ECF

The Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Mamadou Kone
Criminal Docket No. 08-906 (KAM)

Dear Judge Matsumoto:

The government writes in response to the Court's question regarding the statutory authority to direct any fines to the Lacey Act Reward Account.

Title 16, United States Code, Section 3375(d) entitled "Rewards and Incidental Expenses" provides:

Beginning in fiscal year 1983, the Secretary or the Secretary of the Treasury shall pay, from sums received as penalties, fines, or forfeitures of property for any violation of this chapter or any regulation issued hereunder (1) a reward to any person who furnishes information which leads to an arrest, a criminal conviction, civil penalty assessment, or forfeiture of property for any violation of this chapter or any regulation issued hereunder, and (2) the reasonable and necessary costs incurred by any person in providing temporary care for any fish, wildlife, or plant pending the disposition of any civil or criminal proceeding alleging a violation of this chapter with respect to that fish, wildlife, or plant. The amount of the reward, if any, is to be designated by the Secretary or the Secretary of the Treasury, as appropriate. Any officer or employee of the United States or any State or local government who furnishes information or renders service in the performance of his official duties is ineligible for payment under this subsection.

The Lacey Act Reward Account was established by the Department of the Interior specifically to receive such funds. Accordingly, the government requests that the Judgment of Conviction in the above-referenced case direct that the \$1200 fine be directed to the:

Lacey Act Reward Account
United States Fish & Wildlife Service
Division of Financial Management/Denver Operations Cost
Accounting
P.O. Box 272065
Denver, CO 80227
Fund 122X
Organizational Code 99000

The Court also specifically asked about any statutory exemptions for fines automatically directed into the Crime Victims' Fund. Title 42, United States Code, Section 10601(b)(1)(A)(ii) provides:

There is created in the Treasury a separate account to be known as the Crime Victims Fund (hereinafter in this chapter referred to as the "Fund"). . .

Except as limited by subsection (c) of this section, there shall be deposited in the Fund -

(1) all fines that are collected from persons convicted of offenses against the United States except -

(A) fines available for use by the Secretary of the Treasury pursuant to -

(i) section 11(d) of the Endangered Species Act (16 U.S.C. 1540(d)); and

(ii) section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)) . . .

Respectfully submitted,

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cc: Michael Hurwitz, Esq. (by ECF)
Clerk of the Court (by ECF)